

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 36 of 1996

Present : Hon'ble Mr. S. Biswas, Administrative Member
Hon'ble Mr. A. Sathath Khan, Judicial Member

Gopal Krishna Chowdhury

- VS -

Union of India & Ors.

For the applicant : Mr. P.K. Munshi, Counsel

For the respondents : Mr. B.K. Chatterjee, Counsel

Date of Order : ³⁰23.04.2003.

ORDER

MR. A. SATHATH KHAN, JM:

The applicant seeks implementation of his option for going back to his previous cadre of Draughtsman with all consequential benefits.

2. The contentions of the applicant are that he entered service as L.G. Draughtsman on 15.09.1959, that he was promoted as Telephone Inspector on 08.08.1975 and retired on 30.11.1994, that he was allowed one time bound promotion (OTBP) on completion of 16 years of service to a newly created grade of Telephone Inspector called T.I. Grade-II in the pay scale of Rs.1400-2600 w.e.f. 09.08.1991, that the Ministry of Communications by order dated 23.08.1993, conveyed the sanction of the Telecom Commission for introduction of threegrades of Draughtmen namely Draughtman

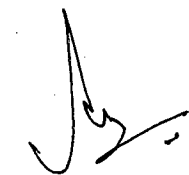
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Grade-III, Draughtsman Grade-II and Draughtsman Grade-I, that the Ministry by order dated 14.01.1994 allowed certain categories of employees to exercise option to go back to their previous Cadres within three months from the date of the said order; that the said order was received in the office of the applicant on 04.05.1994, that the applicant exercised the option to go back to his old post of Draughtsman within the stipulated period, that the said benefit was not granted to the applicant till his retirement on 30.11.1994, that the applicant preferred an appeal to the Assistant Director General (TE), New Delhi, on 01.08.1995, that the Sr. Sub-Divisional Engineer, informed the applicant by impugned order dated 17.11.1995, that the Draughtsman Cadre is not covered under OTBP scheme and that he is not entitled to avail the benefit in his basic Cadre of Draughtsman, and that the failure of the respondents to extend the benefit of OTBP in his basic Cadre of Draughtsman is arbitrary and illegal. Hence the above O.A. has been filed.

3. The respondents contend that as per the Ministry's letter dated 14.01.1994, T.I./AEA officials ^{were} allowed to opt for drawing pay in OTBP scheme of their basic cadre if it is advantageous to them, ^{but} ~~that~~ since the applicant ^{promoted} was as T.I. from Draughtsman and Draughtsman cadres, does not come under the purview of OTBP Scheme, the applicant is not entitled to get the benefit in his basic cadre. The respondents further contend that the applicant's alleged option was not received in the office. Under these circumstances, the respondents pray for the dismissal of the O.A.


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4. Heard the Ld. Counsel for the applicant and the respondents and considered all the pleadings and the relevant records of the case.
5. The point for consideration in this case is whether the applicant is entitled to opt for OTBP Scheme in his basic cadre of Draughtsman. The Ld. Counsel for the respondents produced letter dated 17.12.1983 to establish that the Draughtsman cadre is not covered under the OTBP Scheme. A perusal of the Annexure to the said letter shows that the Draughtsman cadre is not included in the said Annexure. However, the Ld. Counsel for the applicant submitted that by letter dated 20.11.1990, the Ministry decided that officials in the higher grades of Group-C&D who are covered by the OTBP Scheme may be allowed to draw pay ~~in~~ⁱⁿ the basic cadre, if it is advantageous to them and that by another letter dated 14.01.1994 the Ministry allowed such officials to exercise the option within three months from the date of the said letter. Even assuming that the applicant's case is covered by the Ministry's letter dated 20.11.1990, and 14.01.1994, the applicant failed to exercise the option within three months from 14.01.1994. Under these circumstances, we hold that the applicant has not established his claim to the relief in this O.A.
6. In the result, the O.A. is dismissed with no order as to costs.



MEMBER (J)

30/4/03



MEMBER (A)